

The article was alleged to be misbranded in that the following statements and designs appearing in the labeling were false and misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was Italian olive oil, whereas it was not: (Rosa Mia brand) "Marca Rosa Mia Olio Vegetale per insalata e cucina", "Puro e delizioso vegetale, specialmente indicato per insalata salse frittiture ed in tutti gli uso di cucina e tavola", and the green color of the can suggestive of olives; (Balbo brand) "Olio Sopraffino Balbo", "Questo latta contiene una deliziosa qualita di olio per insalata uso tavola e per uso cucina", and the design of the Italian coat of arms; (Da Lucca brand) "Olio Marca Da Lucca", "Olio puro d'oliva quindici per cento, con la migliore qualita d'olio vegetabile ottanta cinque per cento con arome e colore", "Garantito sotto ogni analisa chimica. Confezionato col processo piu igienico", "superior salad oil." Misbranding was alleged for the further reason that the article purported to be a foreign product when not so. Misbranding was alleged with respect to the Rosa Mia brand for the further reason that the statement on the label, "Rosa Mia Brand Oil A * * * pure vegetable oil", was misleading since the words "vegetable oil" are applicable to olive oil.

On September 17, 1935, judgments of condemnation were entered and it was ordered that the product be released to the claimant under bond conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

24928. Adulteration and misbranding of pickles. U. S. v. 66 Jars, et al., of Pickles. Default decrees of condemnation and destruction. (F. & D. nos. 35140, 35141, 35142. Sample nos. 27455-B, 27456-B, 27471-B to 27474-B incl.)

These cases involved shipments of pickles which were misbranded in several, and in some instances all, of the following ways: Short volume; ambiguous declaration of the quantity of the contents; sodium benzoate undeclared or in excess of the amount declared; misleading impression created by the label that the product was produced by a firm other than the real manufacturer. Two of the lots were also adulterated because of the presence of added saccharin.

On or about February 20, February 21, and April 5, 1935, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 66 jars of pickles at Kansas City, Kans.; 5 cases of pickles at Lawrence, Kans.; and 122½ cases of pickles at Topeka, Kans., alleging that the article had been shipped in interstate commerce, in various lots on or about September 28, October 26, and November 2, 1934, by the Southern Manufacturing Co., from St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled, variously: "Golden West Brand Sweet Cauliflower Pickles Contents 12 Oz. Southern Mfg. Co. St. Louis, Mo."; "Tee Pee Brand Sliced Sweet Pickles Contents 7 oz. .01% Benzoate of Soda Distributed by The Theo. Poehler Mercantile Co. Lawrence, Ks."; "Jo-Andy Sweet Mixed Pickles [or "Sweet Pickles" or "Sliced Sweet Pickles"] Contents 1 Quart [or "Contents 25 Oz.", "Contents 16 Oz.", or "Contents 7 Oz."] .01% Benzoate of Soda Topeka Wholesale Grocery Co. Topeka, Kansas."

The libels charged adulteration of the two lots of sliced sweet pickles in that the article contained an added poisonous and deleterious ingredient, saccharin, which might have rendered it injurious to health. Adulteration was alleged with respect to a portion of the sliced sweet pickles for the further reason that a product containing added saccharin had been substituted for the article.

Misbranding was alleged with respect to all lots for the reason that the statements, "Contents 12 Oz.", "Contents 7 Oz.", "Contents 1 Quart", "Contents 25 Oz.", and "Contents 16 Oz.", were false and misleading and tended to deceive and mislead the purchaser, since the jars contained less than declared. Misbranding of all lots was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since it was incorrect in all instances, and the statement was ambiguous in the lots marked "12 Oz.", "25 Oz.", "16 Oz.", and "7 Oz.", since neither weight nor measure was definitely stated. Misbranding was alleged with respect to one lot for the reason that it was labeled so as to deceive and mislead the purchaser since the presence of added benzoate of soda was not declared on the

label. Misbranding was alleged with respect to certain lots for the further reason that the statement ".01% Benzoate of Soda" was false and misleading since the article contained more benzoate of soda than declared; for the further reason that the statement, "Topeka Wholesale Grocery Co. Topeka, Kansas", implied that that company was the manufacturer; whereas the Southern Manufacturing Co. was the manufacturer; and for the further reason that it was labeled so as to deceive and mislead the purchaser since the declaration of sodium benzoate was inconspicuous and hardly visible with the naked eye.

On July 8, 1935, no claimant appearing, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24929. Adulteration of tomato catsup and tomato puree. U. S. v. 60 Cases of Tomato Catsup, et al. Default decrees of condemnation and destruction. (F. & D. nos. 35330, 35369, 35370, 35547, 35616. Sample nos. 26549-A, 33361-A, 33363-A, 33372-A, 33373-A.)

These cases involved shipments of tomato catsup and tomato puree, samples of which were found to contain filth resulting from worm and insect infestation.

On April 3, April 16, May 24, and June 7, 1935, the United States attorney for the District of Montana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 60 cases of tomato catsup at Billings, Mont.; 41 cases of tomato catsup and 28 cases of tomato puree at Butte, Mont.; 88 cases of tomato catsup at Great Falls, Mont.; and 25 cases of tomato catsup at Havre, Mont., alleging that the articles had been shipped in interstate commerce between the dates of September 19, 1934 and January 16, 1935, by Woods Cross Canning Co., from Clearfield, Utah, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Woods Cross Brand Catsup [or 'Tomato Purée'] * * * Packed by Woods Cross Canning Company Woods Cross, Utah."

The articles were alleged to be adulterated in that they consisted wholly or in part of filthy vegetable substances.

On June 11 and July 31, and November 27, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24930. Adulteration of jam. U. S. v. 90 Cases of Cherry Jam, et al. Default decree of condemnation and destruction. (F. & D. no. 35356. Sample nos. 11773-B, 11774-B, 11775-B, 26201-B to 26204-B incl., 26206-B to 26209-B, incl.)

This case involved various shipments of jams that contained lead in an amount that might have rendered them injurious to health.

On April 20, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,022 cases of jams at Scottsbluff, Nebr., alleging that the articles had been shipped in interstate commerce in various shipments between the dates of April 26, 1934, and February 19, 1935, by the Pure Food Manufacturing Co., from Denver, Colo., and charging adulteration in violation of the Food and Drugs Act. The articles were labeled, variously: "Delicious Brand * * * Cherry [or 'Pear' or 'Peach', etc.] Jam * * * Packed by the Pure Food Mfg. Co., Denver, Colo."

The articles were alleged to be adulterated in that they contained an added poisonous and deleterious ingredient, lead, which might have rendered them injurious to health.

On July 31, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24931. Misbranding of tomato sauce. U. S. v. 171 Cases and 7¾ Cases of Tomato Sauce. Decrees of condemnation. Portion of product released under bond to be relabeled; remainder destroyed. (F. & D. nos. 35365, 35376. Sample nos. 23746-B, 30113-B.)

These cases were based on interstate shipments of tomato sauce which was misbranded since it was made from domestic tomatoes and packed in the United States, and was labeled to indicate that it was a foreign product. The labeling was further objectionable because it created the impression that the article was packed by a firm other than the real packer.